

BECKSTROM & BECKSTROM, LLP

James A. Beckstrom, Esq
Nevada Bar No. 14032
400 South 4th Street, Suite 650
Las Vegas, Nevada 89101
Telephone: (725) 300-0599
jb@beckstromlaw.com

BEN'S LAW

BEN LEHAVI, ESQ.

Nevada Bar No. 14564
5940 South Rainbow Boulevard
Las Vegas, Nevada 89118
Telephone: (702) 518-9236
Info@BensLaw.com

Attorney for Defendant

UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

EURO MOTOR SPORT INC., and
SAMMIE BENSON,

Plaintiffs,

vs.

ARB LAS VEGAS d/b/a LAS VEGAS
TOWING;

Defendant.

Case No.: 2:21-cv-00177-CDS-BNW

MOTION TO WITHDRAW AS COUNSEL OF RECORD

COMES NOW, James A. Beckstrom, Esq., with the law firm of Beckstrom & Beckstrom, LLP and Ben Lehavi, Esq., with Ben's Law, and hereby moves to withdraw as counsel of record for Defendant ARB LAS VEGAS d/b/a LAS VEGAS TOWING, pursuant to Local Rule IA 11-6(b).

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1 This Motion is based on the following Memorandum of Points and Authorities, the
2 Affidavit of James A. Beckstrom, Esq. and Ben Lehavi, Esq., attached hereto, the pleadings and
3 papers on file herein, and any oral argument by counsel permitted at the hearing on this matter.

4 DATED this 24th day of March 2023.

5 **BECKSTROM & BECKSTROM, LLP**

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7 By: /s/ James A. Beckstrom
8 James A. Beckstrom, Esq.
9 Nevada Bar No. 14032
400 South 4th Street, Suite 650
10 Las Vegas, Nevada 89101
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11 **BEN'S LAW**

12 Ben Lehavi, Esq.
13 Nevada Bar No. 14564
5940 South Rainbow Boulevard
14 Las Vegas, Nevada 89118
info@benslaw.com

15 *Attorney for Defendant*

16 **MEMORANDUM OF POINTS AND AUTHORITIES**

17 The instant Motion seeks permission to withdrawal as counsel for Defendant for good
18 cause as set forth herein. Local Rule 11-6(b) provides in pertinent part that:

19 If an attorney seeks to withdraw after appearing in a case, the attorney must file a
20 motion or stipulation and serve it on the affected client and opposing counsel. The
21 affected client may, but is not required to file a response to the attorney's motion
within 14 days of the filing of the motion, unless the Court order otherwise.

22 On March 20, 2023, Defendant contacted the undersigned for representation in the instant
23 case. Defendant provided a copy of the initial Complaint and the undersigned was under the
24 mistaken belief that this action was recently filed in February 2023, and was under the impression
25 litigation was just commencing. Due to miscommunication, the undersigned contacted counsel
26 for Plaintiff to ask for an extension to file a responsive pleading, which was presented to this Court
27 and subsequently denied (rightfully) for failure to comply with LR IA 6-1(a).

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Upon the Court denying what would ordinarily be a routine extension for the first responsive pleading, the undersigned investigated the docket for this case. Upon investigation, the undersigned learned that the case was filed over two years prior and is essentially set for trial. The undersigned cannot represent Defendant in the forthcoming trial, having not participated in any of the extensive discovery over the past two years. The undersigned, without waiving privilege, has explained this to Defendant who understands and consents to withdrawal.

The undersigned was not engaged for trial only representation and for reasons not able to be disclosed, cannot represent Defendant at trial based on a series of professional considerations. The undersigned has advised Defendant of the impending deadlines, prior orders of the Court, and provided written notice of this Motion. Defendant has consented in writing to this Withdrawal. Withdrawal will not prejudice Defendant, as there is not a current trial date set and the undersigned firms have not served as counsel in any material capacity, having filed a Notice of Appearance on March 22, 2023 (ECF No. 57). The undersigned firms therefore seek permission to withdrawal based on the above facts, with all future correspondence mailed or emailed to:

ARB LAS VEGAS
D/B/A LAS VEGAS TOWING
2968 MARCO STREET B
LAS VEGAS, NV 89115
DANIELLE7641@GMAIL.COM

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1 Enclosed in support of this Motion is the attached Declaration of James A. Beckstrom, Esq., which
2 is incorporated herein by reference. Based upon the Declaration, the undersigned respectfully requests
3 permission to withdraw as counsel of record for Defendant, ARB LAS VEGAS d/b/a LAS VEGAS
4 TOWING.

5 DATED this 24th day of March 2023.

6
7 **BECKSTROM & BECKSTROM, LLP**

8
9 By: /s/ James A. Beckstrom
James A. Beckstrom, Esq.
Nevada Bar No. 14032
400 South 4th Street, Suite 650
Las Vegas, Nevada 89101
10 jb@beckstromlaw.com
11

12 **BEN'S LAW**
Ben Lehavi, Esq.
Nevada Bar No. 14564
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Las Vegas, Nevada 89118
13 info@benslaw.com
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16 *Attorneys for Defendant*

17 **DECLARATION OF JAMES A. BECKSTROM, ESQ. AND BEN LEHAVI, ESQ.**
18

19 JAMES A. BECKSTROM, ESQ. and BEN LEHAVI, ESQ., hereby declare:

20 1. We have personal knowledge of the facts contained herein, and are competent to
21 testify thereto.

22 2. We are lawyers with the law firm of Beckstrom & Beckstrom, LLP and Ben's Law
23 (collectively "Law Firm"), attorneys of record for Defendant ARB LAS VEGAS d/b/a LAS
24 VEGAS TOWING ("Defendant"), in the above-captioned matter and are duly licensed to practice
25 law in the State of Nevada.

26 3. That due to professional and ethical considerations, we must withdrawal as counsel
27 of record for Defendant in this case.
28

1 4. On March 20, 2023, Defendant contacted the undersigned for representation in the
2 instant case.

3 5. Defendant provided a copy of the initial Complaint and the undersigned were under
4 the mistaken belief that this action was recently filed in February 2023, and was under the
5 impression litigation was just commencing. Based upon a deadline conveyed to the undersigned,
6 a Notice of Appearance was filed immediately upon being contacted.

7 6. Due to miscommunication, the undersigned contacted counsel for Plaintiff to ask
8 for an extension to file a responsive pleading, which was presented to this Court and subsequently
9 denied (rightfully) for failure to comply with LR IA 6-1(a).

10 7. Upon the Court denying what would ordinarily be a routine extension for the first
11 responsive pleading, the undersigned investigated the docket for this case.

12 8. Upon investigation, the undersigned learned that the case was filed over two years
13 ago and is essentially set for trial.

14 9. The undersigned cannot represent Defendant in the forthcoming trial, having not
15 participated in any of the extensive discovery over the past two years.

16 10. The undersigned, without waiving privilege, has explained this to Defendant who
17 understands and consents to withdrawal.

18 11. The undersigned have informed counsel for Plaintiff of these facts and Plaintiff was
19 graciously agreeable to withdrawal based on the circumstances.

20 12. The undersigned was not engaged for trial representation and for reasons not able
21 to be disclosed, cannot represent Defendant at trial based on a series of professional considerations.

22 13. The undersigned has advised Defendant of the impending deadlines, prior orders of
23 the Court, and provided written notice of this Motion.

24 14. Defendant has consented in writing to this Withdrawal.

25 15. Withdrawal will not prejudice Defendant, as there is not a current trial date set and
26 the undersigned firms have not served as counsel in any material capacity, having filed a Notice
27 of Appearance on March 22, 2023 (ECF No. 57).
28

1 16. The undersigned firms therefore seek permission to withdrawal based on the above
2 facts, with all future correspondence mailed or emailed to:

3
4 ARB LAS VEGAS
5 D/B/A LAS VEGAS TOWING
6 2968 MARCO STREET B
7 LAS VEGAS, NV 89115
8 DANIELLE7641@GMAIL.COM

9 17. This Declaration is made in good faith, not for purposes of delay, and in compliance
10 with Supreme Court Rule 46 and Local Rule 11-6(b).

11 I declare under the penalty of perjury under the law of the State of Nevada that the
12 foregoing is true and correct.

13 Dated this 24th day of March 2023.

14
15 /s/ James A. Beckstrom
16 James A. Beckstrom, Esq.

17
18 /s/ Ben Lehavi
19 Ben Lehavi, Esq.

20 **ORDER**

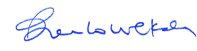
21 IT IS ORDERED that ECF No. 60 is GRANTED.

22 IT IS FURTHER ORDERED that the Clerk of Court shall update Defendant's address
23 consistent with ECF No. 60 at 3.

24 IT IS FURTHER ORDERED that Defendant must retain counsel and have counsel file a
25 notice of appearance by 4/27/23, as corporations cannot represent themselves. Failure to
26 comply with this order may result in a default being entered against Defendant.

27 IT IS SO ORDERED

28 DATED: 11:54 am, March 28, 2023


BRENDA WEKSLER
UNITED STATES MAGISTRATE JUDGE

CERTIFICATE OF SERVICE

I hereby certify that a true and exact copy of the foregoing **MOTION TO WITHDRAW AS COUNSEL OF RECORD** was submitted electronically for filing and/or service on this 24th day of March 2023, via CM/ECF, upon all counsel of record.

Carl E.G., Arnold, Esq.
CEGA LAW
1428 South Jones Blvd.
Las Vegas, Nevada 89146
carl@cegalawgroup.com

Robert L.J. Spence, Jr. (*pro hac vice*)
Kristina A. Woo (*pro hac vice*)
SPENCE PARTNERS
65 Union Avenue, Suite 900
Memphis, Tennessee 38103
rspence@spencepartnerslaw.com
kwoo@spencepartnerslaw.com

Attorneys for Plaintiffs

I further certify that I served a copy of this document by mailing a true and correct copy thereof, postage prepaid, addressed to:

ARB LAS VEGAS
D/B/A LAS VEGAS TOWING
2968 MARCO STREET B
LAS VEGAS, NV 89115
DANIELLE7641@GMAIL.COM

/s/ Suzanne Boggs
An employee of Beckstrom & Beckstrom